



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, FEBRUARY 17, 1999

7:00 P.M.

**Morgan Hill Civic Center
Council Chambers
17555 Peak Avenue
Morgan Hill, California 95037**

**Mayor
Mayor Pro Tempore
Council Member
Council Member
Council Member**

**Dennis Kennedy
Hedy L. Chang
Cynthia J. Cook
Steve Tate
Greg Sellers**

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the counter in the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Item #8 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

PUBLIC COMMENTS

Mayor Kennedy

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

RECOGNITION

Susan Fuller

Librarian of the Year

PRESENTATIONS

County Social Services Agency

Nellie George

Yolanda Lenier Rinaldo

Employee Development Department
Employment Veteran Services - Robert Rambo

Mount Hamilton Project

Mike Sweeney

INTRODUCTION

Steve Pendleton

Housing Rehabilitation Coordinator

CITY COUNCIL REPORT

Council Member Tate

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

CONSENT CALENDAR: The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. JANUARY FINANCE AND INVESTMENT REPORT

Recommended Action: Accept and file report.

2. AB 1600 POLICE IMPACT FEE REPORT FOR THE FISCAL YEAR 1997/98

Recommended Action: 1) Accept and file the Police Facilities Expansion Plan and 2) make a finding that all AB 1600 Police Impact fees are committed for use in accordance with AB 1600 requirements.

3. ACCEPTANCE OF THE DUNNE AVENUE SEWER REPLACEMENT PROJECT

Recommended Action: 1) Approve Change Order #1 in the amount of \$16,321.91, 2) accept as complete the Dunne Avenue Sewer Replacement Project in the final amount of \$82,259.91 and 3) direct the City Clerk to file the attached Notice of Completion with the County Recorder's office.

4. APPROVAL OF SUBDIVISION IMPROVEMENT AGREEMENT WITH SHAW DEVELOPMENT, INC. APN 817-11-048 (ALLSAFE MINI-STORAGE)

Recommended Action: Approve the attached Subdivision Improvement Agreement and authorize the City Manager to sign the agreement on behalf of the City with Shaw Development, Inc. (APN 817-11-048)

5. IMPLEMENTATION OF PERS 4TH TIER SURVIVOR BENEFITS

Recommend Action: 1) Adopt resolution of intention to approve an amendment to the contract between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Morgan Hill, 2) authorize the Mayor to sign the attached agreement to pool 1959 Survivor Benefit assets and liabilities between the Board of Administration of the Public Employees' Retirement System and the City Council of the City of Morgan Hill, 3) motion to waive in full the reading of the attached Ordinance of the City of Morgan Hill authorizing an amendment to the contract between the City of Morgan Hill and the Board of Administration of the California Public Employees' Retirement System and 4) motion to introduce Ordinance by title only.

6. APPROVAL OF AGREEMENT WITH MORGAN HILL UNIFIED SCHOOL DISTRICT TO PROVIDE A SCHOOL RESOURCE OFFICER

Recommended Action: 1) Approve the agreement for the City, through the Police Department, to provide a School Resource Officer for FY 98/99 to the Morgan Hill Unified School District, in return of a \$54,000 payment from the District and 2) authorize the City Manager to execute the agreement on behalf of the City.

7. APPROVAL OF REGULAR MINUTES OF FEBRUARY 3, 1999

LEGALLY NOTICED PUBLIC HEARINGS:

8. ZONING AMENDMENT APPLICATION ZA-98-16: CONDIT - HORIZON LAND

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve Mitigated Negative Declaration.

Action- Motion to waive the reading in full of the ordinance approving the Planned Unit Development;
Motion to introduce ordinance by title only.

OTHER BUSINESS:

9. APPOINTMENTS TO THE GENERAL PLAN TASK FORCE

Recommended Action: For the Mayor, to **appoint** three members and two alternates to the General Plan Task Force to fill three unexpired vacancies, subject to the approval of the City Council.

10. CONTINUED CONSIDERATION OF EXEMPTION TO CONSTRUCT STREET IMPROVEMENTS AND UNDERGROUND OVERHEAD UTILITIES FOR ADVENT LUTHERAN CHURCH ADDITION - 16870 MURPHY AVENUE

Recommended Action: **Approve** the exemption as recommended by the Planning Commission by approving an amendment to the existing Deferred Improvement Agreement to include the undergrounding of overhead utilities.

11. POSSIBLE REFUNDING OF CERTAIN ASSESSMENT DISTRICT BONDS

Recommended Action: 1) **Authorize** the City Manager to proceed with the evaluation of the funding of certain assessment districts and 2) **approve** the Financial Advisor, the Bond Investment Banker, the Bond Counsel, and the Assessment Engineer for the proposed refunding of certain assessment districts and **authorize** the City Manager to contract with them for services.

12. POSSIBLE REFUNDING OF CITY OF MORGAN HILL 1991 WATER REVENUE CERTIFICATES OF PARTICIPATION (COP)

Recommended Action: 1) **Authorize** the City Manager to proceed with the evaluation of the refunding of the 1991 Water COP and 2) **approve** the Financial Advisor, the Bond Investment Banker, and the Bond Counsel for the proposed refunding of the 1991 Water COP and **authorize** the City Manager to contract with them for services.

13. APPOINTMENTS TO THE CALTRAIN POLICY ADVISORY BOARD

Recommended Action: For the Council to ratify the **appointment** of Mayor Kennedy to the Caltrain Policy Advisory Board.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #14 and #15 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

14. SECOND READING AND ADOPTION OF ORDINANCE NO. 1421, NEW SERIES -- An Ordinance of the City Council of the City of Morgan Hill amending Section 18.56.150 of the Zoning Ordinance to allow an exception to the maximum height of fences and walls when located adjacent to public parks or other public places or when adjacent to private common area open space.

15. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1422, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving Development Agreement Application DA-98-12: Cochrane-Coyote Ranch Limited Partners for Applications MP-97-25: Cochrane-Coyote Estates. (APN 728-35-008, 009 & 010, and APN 728-36-001 & 010 portion of).

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

OPPORTUNITY FOR PUBLIC COMMENT

CLOSED SESSION:

1.

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	Ruge Family Partnership, et al. v. City of Morgan Hill, et al. and Citizens for Orderly Responsible Development (Intervenor)
Case Number:	H017567
Parties:	Ruge Family Partnership, William R. Ruge & Marion L. Ruge, City of Morgan Hill, City Council of Morgan Hill Citizens for Orderly Responsible Development
Subject of Litigation:	Motion to Enforce Judgment
Closed Session Topic:	Status Update re: Litigation

2.

Legal Authority:	Government Code Section 54957
Subject of Closed Session:	Performance Evaluation
Employee:	City Attorney
Attendees:	City Council, City Attorney

CLOSED SESSION ANNOUNCEMENTS:

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. 2/27/99 Special City Council Meeting - Tour of Community Centers
2. 3/2/99 Special City Council Meeting - General Plan Update
3. Plan Amendment EIR
4. Exemption of Undergrounding Requirements for Giancola-Hale Avenue
5. Accept Contract for Lift Station D
6. Accept Contract for New Diana Well #2
7. Resolution of Commitment - Silicon Valley 2010